IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7781 OF 2005

Satish Gaurishankar Shilewant Applicant

versus

The State of Maharashtra Respondent

Shri Niteen Pradhan with Ms.S.D.Khot and Mr.Maheen Pradhan for applicant.

Shri S.S.Pednekar, APP for respondent.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 2nd December 2005

PC :

1. Heard Shri Pradhan appearing for applicant and Shri Pednekar for respondent.

2. The applicant who is a practicing Advocate in Pune, has been arrested in connection with CR No.579 of 2005 registered at Deccan Gymkhana Police Station, Pune for the offences punishable under sections 420, 467, 468, 471 R/W 34 IPC..

3. It appears that the applicant has been arrested on account of a fraud being unearthed by the respondent with regard to availing of

transferable development rights in lieu of compensation for acquisition of lands earmarked and reserved for public purposes. It is alleged that in certain cases no compensation was offered and yet benefit of TDR has been availed of. The said benefit has been availed of on the basis of bogus and fake documents entitling the holders several benefits. Several properties have changed hands in the city of Pune because of day to day transactions in the transferable development rights. Now, several cases have been noticed of fake and bogus documents and the role of the applicant in one such transaction appears to be that of certifying the title of the property. It is his case that it is certified by him on the basis of the Title Deeds produced for his perusal. It is, no doubt true that xerox copies of the said documents were produced, but they were certified by the Registrar. In these circumstances, when he relies upon this document and states that the title is full proof and issues a certificate in that behalf, he cannot be faulted as being directly involved in the commission of fraud pertaining to TDR.. Even otherwise, necessary documents have been seized. He is detained in custody for more than a month and his further detention is, therefore, not

warranted. That apart, he is a practicing advocate and there are no antecedents. He is willing to abide by such conditions as would be imposed by this Court including co-operating in investigation and attending Police Station. Under these circumstances, the applicant deserves bail. Accordingly, following order.

4. (i) The applicant shall be enlarged on bail in connection with C.R.No.579 of 2005 registered with Deccan Gymkhana Police Station, Pune, subject to furnishing a personal bond of Rs.20,000/- (Rs.Twenty thousand only) with one surety in the like sum;

(ii) The applicant shall attend Deccan Gymkhana Police Station, Pune every Sunday between 11.00 a.m. to 01.00 p.m;

(iii) The applicant shall surrender his pass port before release;

(iv) The bail is granted till filing of charge sheet;

(v) The bail is granted subject to condition that the applicant shall not, directly or indirectly,

make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

(vi) The applicant shall co-operate with the Trial Court for expeditious disposal of the trial. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

(vii) Any observation/s made in this order shall not be constructed as any finding or any expression of opinion on the merits of the case at the time of trial.

(viii) Application is disposed of in above terms.

(S.C.DHARMADHIKARI, J.)